

ESTTA Tracking number: **ESTTA16827**

Filing date: **10/12/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91161940
Party	Defendant UAL Loyalty Services, Inc. UAL Loyalty Services, Inc. 8550 West Bryn Mawr,6th Floor Chicago, IL 60631
Correspondence Address	Michele H. McCoy Brinks Hofer Gilson & Lione P.O.Box 10395 Chicago IL U, SA 60610
Submission	Answer
Filer's Name	Jennifer A. Prioleau
Filer's e-mail	jprioleau@brinkshofer.com, officeactions@brinkshofer.com
Signature	/JAP1973/
Date	10/12/2004
Attachments	Answer.10-12-04.pdf (4 pages)

Our File No.
11332/30

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Serial No. 78/234,815
For the Mark: CRUISE4MILES**

310-Limo, Inc., Opposer)	
)	
v.)	Opposition No. 91/161,940
)	
UAL Loyalty Services, Inc., Applicant.)	

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION
REGARDING APPLICATION SERIAL NO. 78/234,815**

Commissioner for Trademarks
Box 1451
Alexandria, VA 22313-1451

Applicant UAL Loyalty Services, Inc. (hereinafter "Applicant"), by and through its attorneys, hereby answers the Notice of Opposition filed by Opposer 310-Limo, Inc. (hereinafter "Opposer") regarding application Serial No. 78/234,815 for the mark CRUISE4MILES.

The allegations of the Notice of Opposition are repeated in single space, followed by Applicant's response.

PARAGRAPH 1:

Opposer was the first to use the mark CRUISE4MILES, having used it in connection with starting a business for trading airline miles as a credit for other forms of travel at least as early as 1999.

ANSWER TO PARAGRAPH 1:

Applicant is without information sufficient to form a belief as to the allegations of Paragraph 1, and therefore denies those allegations.

PARAGRAPH 1(a):

In connection with such use, Opposer registered the domain name www.cruise4miles.com with Network Solutions on or before April 25, 1999, and continued to own such domain name as of April 25, 2000.

ANSWER TO PARAGRAPH 1(a):

Applicant is without information sufficient to form a belief as to the allegations of Paragraph 1(a), and therefore denies those allegations.

PARAGRAPH 1(b)

By some method, Applicant managed to acquire Opposer's domain name, allegedly on April 26, 2000, either as a result of an error by Network Solutions, or before expiration of the typical grace period allowed by the domain name registrar for domain registrants to renew their registration.

ANSWER TO PARAGRAPH 1(b):

Applicant admits that it owns the domain name cruise4miles.com. Applicant is without information sufficient to form a belief as to the remaining allegations of Paragraph 1(b), and therefore denies those allegations.

PARAGRAPH 2:

In the alternative, Opposer alleges that the mark "CRUISE4MILES" is descriptive of a service offering a cruise for (redemption of) miles, or miles for (taking) a cruise. In Applicant's own words: "Cruise 4 miles is an official United travel partner offering United

Mileage Plus ® customers the opportunity to redeem miles to purchase cruise vacations, or earn miles for taking a cruise." (See Exhibit A attached hereto)

ANSWER TO PARAGRAPH 2:

Denied.

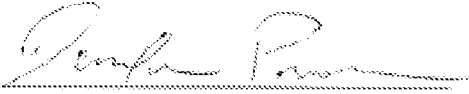
AFFIRMATIVE DEFENSE

FAILURE TO STATE A CLAIM

3. Paragraphs 1-1(b) of Opposer's Notice of Opposition fail to state a claim upon which relief may be granted.

WHEREFORE, Applicant denies that Opposer is entitled to any relief and requests that the opposition be dismissed with prejudice.

Dated: October 12, 2004

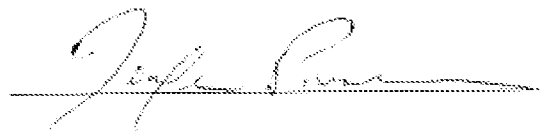
By: 
Thomas M. Williams
Jennifer A. Prioleau
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
Telephone: (312) 321-4200
Facsimile: (312) 321-4299

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
APPLICANT'S ANSWER TO NOTICE OF OPPOSITION REGARDING
APPLICATION SERIAL NO. 78/234,815 was served on Opposer on this 12th day of
October, 2004, by first class mail, postage prepaid, addressed as follows:

Michael Bosworth
Burns, Doane, Swecker & Mathis LLP
P.O. Box 1404
Alexandria, VA 22313-1404

A handwritten signature in cursive script, appearing to read "Jigle R. [unclear]", is written over a horizontal line.